

Residential Tenancies Board

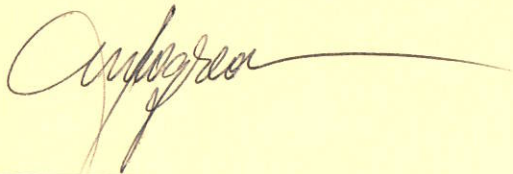
Determination Order

Ref: DR0423-84907

In the matter of Fragarous Limited [Applicant Landlord] and David Murphy [Respondent Tenant] the Residential Tenancies Board, in accordance with section 121 of the Residential Tenancies Act 2004, determines that:

1. The Notice of Termination served on the Respondent Tenant on 22 March 2023 in respect of the dwelling at 4 The Drive, Newtown Hall, Maynooth, County Kildare, is valid.
2. The Respondent Tenant, and all other persons residing in the above dwelling, shall vacate and give up possession of that dwelling within 21 days of the date of issue of this Determination Order.
3. The Respondent Tenant shall pay the total sum of €11,960 to the Applicant Landlord, in six equal consecutive monthly instalments at the rate of €1,993.33 per month, on the 1st day of each month, commencing the next month after the issue of this Determination Order. This sum represents rent arrears in respect of the tenancy of the above dwelling.
4. The enforcement of this Determination Order for such payment of €11,960 will be deferred and the total sum owing reduced by the cumulative sum paid in the monthly instalments made by the Respondent Tenant to the Applicant Landlord on each due date until such time as the total sum of €11,960 has been paid in full.
5. For the avoidance of doubt, any default in the payment of any of the monthly instalments shall act to cancel any further deferral and the balance due at the date of default of any such monthly payment shall immediately become due and owing to the Applicant Landlord.
6. The Respondent Tenant shall continue to pay rent as it falls due, from 29 September 2023 in the sum of €1,600 per month, or proportionate part thereof, for as long as he continues to reside in the above dwelling.
7. The Respondent Tenant is in breach of its obligations pursuant to section 16 (m) of the Residential Tenancies Act 2004 in allowing a commercial activity to take place at the dwelling. The Respondent Tenant shall cease such activity immediately.

This Order was made by the Residential Tenancies Board on 20 March 2024.



Emilia Zagrean
Higher Executive Officer
Duly authorised to sign on behalf of the Director